

1 LAURA VARTAIN (SBN: 258485)
laura.vartain@kirkland.com
2 **KIRKLAND & ELLIS LLP**
555 California Street, 30th Floor
3 San Francisco, CA 94104
Telephone: (415) 439-1625
4 ALLISON M. BROWN (Pro Hac Vice admitted)
allison.brown@kirkland.com
5 JESSICA DAVIDSON (Pro Hac Vice admitted)
jessica.davidson@kirkland.com

6 **KIRKLAND & ELLIS LLP**
601 Lexington Avenue
7 New York, NY 10022
8 Telephone: (212) 446-4723
Attorneys for Defendants
9 UBER TECHNOLOGIES, INC.,
RASIER, LLC, and RASIER-CA, LLC
10 *[Additional Counsel Listed on Following Pages]*

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**

14 IN RE: UBER TECHNOLOGIES, INC.,
15 PASSENGER SEXUAL ASSAULT
LITIGATION

Case No. 3:23-md-03084-CRB

**DEFENDANT UBER TECHNOLOGIES,
INC., RAISER, LLC, AND RAISER-CA,
LLC'S BRIEF IN SUPPORT OF UBER'S
PRIVILEGE CLAIMS CHALLENGED BY
PLAINTIFFS FOR THE MICHAEL
AKAMINE CUSTODIAL FILE –
PURSUANT TO SPECIAL MASTER
ORDER NO. 3 (DKT. 2472)**

16 This Document Relates to:
17 ALL ACTIONS
18
19

20 Pursuant to Special Master Order No. 3, I (4) (Dkt. 2472), Defendants submit this brief in
21 support of their position on the remaining privilege challenges for custodian Michael Akamine. On
22 March 25, 2025, Plaintiffs challenged approximately 21 documents within this custodial file. On
23 April 16, 2025, Plaintiffs challenged an additional 34 documents within this custodial file from
24 privilege logs served after March 24, 2025, bringing the total number of challenged documents to 55.
25 Through conferrals, the parties have narrowed their dispute to 49 challenges. These challenges are
26 now submitted for the Special Master's review.

27 ///

Defendants incorporate by reference the legal standard and arguments set forth in their prior briefing (Dkts. 2433, 2461, 2528, 2544, and 2580). As explained more fully in the prior briefs, the applicable legal standard and the factual material previously provided to the Special Master,¹ when reviewed in conjunction with the challenged documents and the associated metadata fields, support Uber's privilege and work product assertions. The remaining privilege claims submitted for the Special Master's determination should be upheld.

DATED: April 24, 2025

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P.

By: /s/ Michael B. Shortnacy

MICHAEL B. SHORTNANCY (SBN 277035)

E: mshortnacy@shb.com

SHOOK, HARDY & BACON L.L.P.

2049 Century Park East, Ste. 300

Los Angeles, CA 90067

T: 424-285-8330 – F: 424-204-9093

PATRICK OOT (admitted *Pro Hac Vice*)

SHOOK, HARDY & BACON L.L.P.

1800 K St. NW, Ste. 100

Washington, DC 20006

T: 202-783-8400 – F: 202-783-4211

Attorneys for Defendants

UBER TECHNOLOGIES, INC., RASIER, LLC,

And RASIER-CA, LLC

¹ As requested by the Special Master, Uber has provided (1) a glossary of terms commonly used in disputed documents, (2) a list of names and titles of relevant Uber inside and outside counsel, and (3) a digest of third-parties present in its privilege log. Defense counsel will also be available for any questions the Special Master may have during the review process.

CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2025, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will automatically send notification of the filing to all counsel of record.

/s/ Michael B. Shortnacy

Michael B. Shortnacy